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12 **UNITED STATES BANKRUPTCY COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**

14 In re:
15 JAMIE LYNN GALLIAN,
16 Debtor.

17 THE HUNTINGTON BEACH GABLES
18 HOMEOWNERS ASSOCIATION, a California
19 non-profit mutual benefit corporation,

20 Plaintiff,

21 vs.

22 JAMIE L GALLIAN, an individual; RANDALL
23 L NICKEL, an individual, and DOES 1 through
100, inclusive,

24 Defendants.

11 Case No. 8:21-bk-11710-SC

12 Chapter 7

13 Adv. No. 8:21-ap-01095-SC

14 **PLAINTIFF'S OPPOSITION TO
15 MOTION TO DISMISS ADVERSARY
16 COMPLAINT**

17 **[DOCKET NO. 63]**

18 Noticed Hearing

19 Hearing Date: January 10, 2023

20 Time: 1:30 p.m.

21 Courtroom: 5C

1 **TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES**
2 **BANKRUPTCY JUDGE, AND ALL PARTIES ENTITLED TO NOTICE:**

3 This Opposition to the Defendant's Notice of Motion for Motion to Dismiss Adversary
4 Complaint (the "Opposition") is filed by Plaintiff, The Huntington Beach Gables Homeowners
5 Association ("Plaintiff"). This Opposition is made with reference to the following recitals:

6 **RECITALS**

7 1. On November 9, 2022, Defendant Jamie Lynn Gallian ("Defendant") filed a
8 Notice of Motion for Motion to Dismiss Adversary Complaint (Docket No. 63) ("Notice")
9 which purported to be set for hearing on January 10, 2023.

10 2. Upon information and belief, no hearing has been set.

11 3. The Notice contains no substantive legal information and appears to be filed
12 solely for the purpose of wasting the Plaintiff's time.

13 4. Even if a January 10, 2023 hearing was set, the time has expired for Defendant to
14 file any substantive briefing in connection with the Notice.

15 5. Pursuant to Rule 12(f) of the Federal Rules of Civil Procedure made applicable to
16 this adversary proceeding by Bankruptcy Rule 7012(b), the Court has the authority to strike any
17 pleading that is redundant, immaterial, impertinent, or scandalous in nature. The Notice appears
18 to be immaterial in that it asks for the Complaint to be dismissed but contains no legal
19 argumentation and is not a basis for any ruling.

20 **WHEREFORE**, based on the foregoing recitals, Plaintiff requests that the Notice of
21 Motion for Motion to Dismiss Adversary Complaint filed as Docket No. 63 be denied or,
22 alternatively, stricken from the record.

23 Dated: December 27, 2022

24 Respectfully submitted,

25 **GOE FORSYTHE & HODGES LLP**

26 By: /s/ Brandon J. Iskander

27 Robert P. Goe

28 Brandon J. Iskander

 Attorneys for Huntington Beach Gables
 Homeowners Association

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 17701 Cowan, Suite 210, Irvine, CA 92614

A true and correct copy of the foregoing document entitled (*specify*): **PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS ADVERSARY COMPLAINT** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) December 27, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com
- Jeffrey I Golden (TR) lwerner@google.com, jig@trustesolutions.net;kadele@google.com
- Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- Mark A Mellor mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL:

On (date) December 27, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows: Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Jamie Lynn Gallian
16222 Monterey Ln Unit 376
Huntington Beach, CA 92649

Michael D Poole
Feldsott & Lee
23161 Mill Creek Dr Ste 300
Laguna Hills, CA 92653

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FAXCIMILE TRANSMISSION OR EMAIL:

(state the method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) December 27, 2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows: Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

- The Honorable Scott Clarkson, USBC, 411 West Fourth Street, Santa Ana, CA 92701

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

December 27, 2022 Susan C. Stein /s/Susan C. Stein
Date Printed Name Signature